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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001	5508

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EXAMINER	
NGUYEN, MADELEINE ANH VINH	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/653,052	MACLEOD, PETER S.	
	Examiner	Art Unit	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to amendment filed on August 05, 2004.

Applicant amends the specification and drawings.

Response to Arguments

1. Applicant's arguments, see remarks, filed on August 05, 2004, with respect to claims 1-23 have been fully considered and are persuasive. The rejection of 1-23 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-13, 15-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balonon-Rosen et al (US Patent No. 6,307,961).

Concerning claim 8, Balonon-Rosen discloses an apparatus for transforming data from a source device color space to a destination device color space, wherein the source device is associated with a source device profile and the destination device is associated with a destination device color profile comprising means for transforming data from the source device color space to an intermediary color space (independent color space) using the source device color profile, a source rendering intent (source rendering technique), and the profile connection space, producing

intermediary data (independent color space data); and means for transforming the intermediary data from the intermediary color space (independent color space) to the destination device color space using the profile connection space, a destination rendering intent (destination rendering technique), and the destination device color profile (Fig.1-2; Abstract; col. 1, line 67 – col. 3, line 8; col. 4, line 65 – col. 5, line 21; col. 8, line 7 – col. 8, line 45).

It is noted that the source rendering intent is for rendering an input image to a rendered image in the first image rendering device and the destination rendering intent is for rendering an output image to a rendered output image in the second image rendering device (Fig.2).

Balonon-Rosen does not directly teach the intermediary color space profile. However, Balonon-Rosen teaches in the Background of the Invention that "The ICC defines five major classes of color profile: device profile, device-link profile, color space conversion profile, abstract profile and named color profile. The ICC profile is a tagged file structure which includes three main sections: a header, a tag table and tagged element data... Among the most essential fields found in a device profile's header is the profile connection space (PCS) field which indicates which device-independent units are used within tags which are utilized by the CMS when deriving parameters for its color transform model." (col. 2, lines 18-31). In addition, "A device profile's tags describe the relationship between device digits and the device-independent units of the profile's PCS." (col. 2, lines 44-46). It would have been obvious to one skilled in the art at the time the invention was made to consider the profile connection space (PCS) taught in Balonon-Rosen equivalent to the intermediary color profile since it is the profile of the independent color space for wherein the transformation of data from the source device

color space to the independent color space is performed and the transformation of data from the independent color space to destination color space is performed.

Concerning claims 9-11, 13, Balonon-Rosen further teaches that the source and destination rendering intents are different rendering intents (first image rendering device for the source and second image rendering device for the destination), (claim 9); the source device is a printing press (12, Fig.1) and the destination device is a proofing printer (10, Fig.1), (claim 10); means for receiving the data as an output of a graphic arts application (1, Fig.1), (claim 11); the intermediary color profile is a CIELAB color profile or a CIEXYZ color profile (col. 8, lines 26-45), (claim 13).

Concerning claim 12, Balonon-Rosen further teaches that the source rendering intent is a colorimetric rendering intent but fails to teach that the destination rendering intent is a perceptual rendering intent. However, in the Background of the Invention of the recent application, perceptual rendering intent is a matter of well known in the art (specification in pages 7-8). It would have been obvious to one skilled in the art at the time the invention was made to include the perceptual rendering intent in the destination rendering intent of the system in Balonon-Rosen since Balonon-Rosen teaching different rendering intents for improving the quality performance of a color management system (CMS) without limiting to any specific intent while perceptual rendering intent is commonly known in the art.

Claims 1-6, 15-20, 22, 23 are method claims of apparatus claims 8-13. Claims 1-6, 15-20, 22, 23 are rejected for the same rationales set forth for claims 8-13.

4. Claims 14, 7, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balonon-Rosen as applied to claims 1, 8, 15, 22 above, and further in view of Ohta (US Patent No. 6,124,944).

Concerning claim 14, Balonon-Rosen fails to teach means for zeroing the color components of the intermediary data before transforming the intermediary data. Ohta discloses a system for color reproduction having different input device profiles and output device profiles comprising means for zeroing the color component of the intermediary data before transforming the intermediary data (Figs.2, 3; col. 5, line 62 – col. 6, line 61; col. 7, lines 20-64; col. 8, lines 38-58). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of the zeroing means in Ohta to the system in Balonon-Rosen since both of them teaches a system having means for transforming data from a source device color space to an intermediary color space and means for transforming data from the intermediary color space to a destination color space.

Claims 7, 21 are method claims of apparatus claim 14. Claims 7 and 21 are rejected for the same rationales set forth for claim 14.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

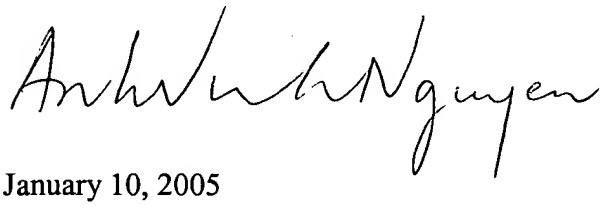
a. Schwartz (US Patent No. 6,075,888) teaches a system for creating a device specific color profile for a specific color input or output device.

b. Kohler (US Patent No. 6,778,300) discloses a transformation of color data from a source device into destination color data for rendering by a destination device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

January 10, 2005